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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,721	02/27/2004	Steven J. Wygant	BEL0006.US	6796

7590 10/26/2004

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EXAMINER

JOHNSON, STEPHEN

ART UNIT PAPER NUMBER

3641

DATE MAILED: 10/26/2004


Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,721

Applicant(s)

WYGANT, STEVEN J. 

Examiner

Stephen M. Johnson

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3641

1. The disclosure is objected to because of the following informalities: On page 5, line 4, numerical indicator 46 does not correspond to a hole in the illustrated version of the invention.

Appropriate correction is required.

2. Claims 12-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Neither the written description and/or drawings provide an axis 60 transverse to a longitudinal direction 58 of the aperture 56.

3. Claims 12-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Neither the written description and/or drawings provide an axis 60 transverse to a longitudinal direction 58 of the aperture 56.

4. Claims 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not understood as to how axis 60 (of the either the first or second legs) can be properly considered to be transverse to longitudinal axis 58 or its associated longitudinal direction when the two axis do not intersect. Further, one cannot have an axis perpendicular to a

Art Unit: 3641

particular direction because there is no axis, point, or plane associated with a direction and consequently nothing to intersect at an angle of 90 degrees (transverse).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 6-8, 15-16, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Stoner.

Stoner discloses a shooting device comprising:

- a) at least one barrel, rail, or stock; 10, 16
- b) a clamp having a plurality of jaws and a fulcrum there between; 32, 34, 28
- c) an adjustable compression spring; 36
- d) first and second legs including a receiver with a plurality of holes; 44, 46
- e) a spring protrusion received in any of the holes; and 86
- f) an extender. 38

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoner in view of Crepin.

Art Unit: 3641

Stoner applies as previously recited. However, undisclosed is a spring protrusion that is a spring ball. Crepin teach a spring protrusion that is a spring ball 25, 26. Applicant is substituting one spring protrusion for another in an analogous art setting. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Crepin to the Stoner shooting device and have a shooting device that has a different type of spring protrusion.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stoner in view of either Hadley or Peterson.

Stoner applies as previously recited. However, undisclosed is clamp that includes a cushioning device. Hadley (19, 20, 21) and Peterson (55, 56) each teach a clamp that includes a cushioning device. Applicant is selecting and assembling a structure known for its advantages in cushioning the clamping action and putting it to use as it is already commonly used in this art. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Hadley or Peterson to the Stoner shooting device and have a shooting device whose clamp is cushioned.

10. Claims 1-4, 6-9, 15-16, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by York.

York discloses a shooting device comprising:

- a) at least one barrel, rail, or stock; 12
- b) a clamp having a plurality of jaws and a fulcrum there between; 40, 42
- c) an adjustable compression spring; 30
- d) first and second legs including a receiver with a plurality of 14, 16

Art Unit: 3641

holes; and

e) first and second cam surfaces that act as a fulcrum. see figs. 4, 5

11. Claims 1-2, 6-7, and 12-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris.

Harris discloses a shooting device comprising:

- a) at least one barrel, rail, or stock; 14
- b) a clamp having a plurality of jaws and a fulcrum there between; 24
- c) an adjustable compression device; 92, 98
- d) first and second legs including a receiver with a plurality of
holes; 76
- e) a cushioning device; and 92, 98
- f) a stop limiting rotation. figs. 1, 3

12. Claims 1-2, 6-7, and 11-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kreske.

Kreske discloses a shooting device comprising:

- a) at least one barrel, rail, or stock; col. 1, lines 37-40
- b) a clamp having a plurality of jaws; col. 8, lines 33-36
- c) an adjustable compression spring; 180
- d) first and second legs including a receiver; 68
- e) an extender; 44
- f) a collet; 66, 76
- g) a collet nut; 64

Art Unit: 3641

h) a cushioning device; and

180


i) a stop.

see fig. 9

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Desch Jr. et al., Frimer, Picket, Repa, and Japan 2-118400 disclose other state of the art shooting devices.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 703-306-4158. The examiner can normally be reached on Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326. The fax phone number for after final communications is (703) 872-9327.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ